

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

PERATON, INC. (formerly known as Harris
IT Services Corporation,

Plaintiff,

v.

RAYTHEON COMPANY,

Defendant.

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) Civil Action No.: 1:17-cv-979-AJT/JFA
) (Circuit Court of Fairfax County, Virginia
) Case No. 2017-11089
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NOTICE OF REMOVAL

Defendant Raytheon Company (“Raytheon”), by and through its undersigned counsel, hereby gives notice of the removal of this action from the Circuit Court of Fairfax County to the United States District Court for the Eastern District of Virginia, Eastern Division. Removal to this Court is proper because (1) this Court has original jurisdiction over this case and (2) the United States District Court for the Eastern District of Virginia, Alexandria Division, is the district embracing the place where the litigation is pending. In support of this Notice of Removal, Defendant states as follows.

1. Plaintiff Peraton, Inc., formerly known as Harris IT Services Corporation (“Plaintiff”) filed this action, *Peraton, Inc. v. Raytheon Company*, Case No. 2017-11089, in the Circuit Court of Fairfax County. Raytheon was served with the complaint on August 10, 2017. A copy of all process, pleadings, or orders served upon Raytheon is attached as Exhibit A. Plaintiff’s counsel indicated on Monday, August 28 that they would propose a schedule for consideration by Raytheon and potential joint submission to the District Court following removal. That proposal has not yet been provided as of the afternoon of this filing.

2. The Circuit Court of Fairfax County ordered an evidentiary hearing on September 28, 2017 regarding Plaintiff's Preliminary Injunction Motion. The Court set the briefing schedule as follows: Plaintiff's Opening Brief due September 4, 2017; Raytheon's Responsive Brief due September 18, 2017; Plaintiff's Reply Brief (if permitted) due September 25, 2017.

3. Plaintiff's complaint arises from two agreements to enter into non-exclusive teaming arrangements between Raytheon and Plaintiff to support a U.S. Government Agency.

4. Plaintiff alleges four counts against Raytheon, which include both federal and state claims: 1) breach of contract; 2) violation of Virginia Uniform Trade Secrets Act, Va. Code § 59.1-336, *et seq.*; 3) violation of the Defend Trade Secrets Act, 18 U.S.C. § 1836, *et seq.*; and 4) unjust enrichment.

5. Plaintiff is seeking damages that Plaintiff estimates to be approximately \$25 million in compensatory damages, exemplary damages, attorney's fees, and injunctive relief. Compl. at 13.

6. Because this Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1332(a) and 28 U.S.C. § 1331, Raytheon is seeking removal from the Circuit Court of Fairfax County.

7. Venue is properly laid in this Court pursuant to 28 U.S.C. § 1441(a).

8. This Notice of Removal is timely filed "within 30 days after the receipt . . . of the initial pleading setting forth the claim for relief upon which such action or proceeding is based[.]" 28 U.S.C. § 1446(b)(1).

9. In accordance with 28 U.S.C. § 1446(d), Raytheon will provide written notice of the removal of this action to Plaintiff, and will file a copy of this Notice of Removal with the Clerk of the Circuit Court of Fairfax County.

JURISDICTION UNDER 28 U.S.C. § 1332(a)

10. This Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1332(a).

11. This action is properly removed to this Court under 28 U.S.C. §§ 1332(a) and 1441 as an action between “citizens of different states” where the amount placed in controversy by the allegations in the complaint “exceeds the sum or value of \$75,000.”

12. First, the citizenship diversity of the parties in this action satisfies 28 U.S.C. § 1332(a)(1). Plaintiff is a Maryland Corporation with its principal place in Virginia. Compl. ¶ 3. Raytheon—the only defendant—is not a citizen of Virginia or Maryland. Raytheon is a Delaware Corporation with its principal place of business in Colorado. Compl. ¶ 4.

13. Second, the alleged damages satisfy 28 U.S.C. § 1332(a), which requires that “the matter in controversy exceeds the sum or value of \$75,000, exclusive of interests and costs.” 28 U.S.C. § 1332(a).

14. The Plaintiff is seeking compensatory damages of approximately \$25 million, Compl. ¶¶ 48, 57, 69, 78, among other damages. Plaintiff’s request for compensatory damages alone exceeds the requisite amount under 28 U.S.C. § 1332(a).

15. Therefore, this Court has original jurisdiction under 28 U.S.C. § 1332 because there is complete diversity of citizenship between Plaintiff and Raytheon, and Plaintiff seeks monetary damages of \$25 million.

JURISDICTION UNDER §§ 1331 AND 1367

16. This Court has federal question jurisdiction under 28 U.S.C. §§ 1331 and 1367 because the Complaint arises under a federal law and because any state law claims arise from the same case or controversy.

17. Here, Plaintiff filed for relief based on the Defend Trade Secrets Act, 18 U.S.C. § 1836, *et seq.*, a federal cause of action.

18. The Court also has supplemental jurisdiction under 28 U.S.C. § 1367(a) over Plaintiff's remaining claims because those claims form part of the same case or controversy as claims where the Court has original jurisdiction.

19. Thus, under 28 U.S.C. §§ 1331 and 1367(a), this Court has original jurisdiction over all four of Plaintiff's claims.

20. Because this Notice of Removal is being filed within thirty (30) days of the Plaintiff's service of the complaint on Raytheon, this removal is timely pursuant to 28 U.S.C. § 1446(b).

21. WHEREFORE, Raytheon Corporation, pursuant to 28 U.S.C. §§ 1331, 1332, 1441, and 1446, removes this action in its entirety from the Circuit Court of Fairfax County to the United States District Court for the Eastern District of Virginia, Alexandria Division.

Dated: August 31, 2017

Respectfully submitted,

By:



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CERTIFICATE OF SERVICE

I hereby certify that on August 31, 2017, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, as well as via Federal Express Overnight delivery upon the following:

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